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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SONDRA WILLIAMSON,)	CASE NO.: 2:23-cv-00485-APG-NJK
)	
Plaintiff,)	
)	
vs.)	<u>DISCOVERY PLAN AND</u>
)	<u>SCHEDULING ORDER</u>
HARTFORD LIFE AND ACCIDENT)	
INSURANCE COMPANY, as Claims)	(Special Scheduling Review
Administrator for the Bank of America)	Requested)
Long-Term Disability Plan,)	
)	
Defendant.)	
)	
)	
)	

Plaintiff SONDRA WILLIAMSON (“WILLIAMSON”) and Defendant HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY (“HARTFORD”) jointly request special scheduling review and submit the following discovery plan and order for this case.

I. Rule 26(f) Conference.

In accordance with Fed. R. Civ. P. 26(f), a telephonic conference was held beginning on June 14, 2023 between Julie A. Mersch, counsel for the Plaintiff, and Nancy J. Marr, counsel for HARTFORD. The parties agree that the standard discovery plan is not best suited for this lawsuit, for the reasons set forth below. The parties further certify, pursuant to LR 26-1(b)(7-8), that they have met and conferred regarding the possibility of using alternate dispute-resolution processes. The provisions of LR 26-1(b)(9) do not apply as no jury trial is demanded or allowed in this matter.

1 **II. Nature of Case and Purpose of Special Review.**

2 This claim involves coverage for long-term disability benefits under a group
3 insurance plan (“Plan”) administered by Plaintiff’s employer, Bank of America (Plan
4 Administrator) for the benefit of its employees. Defendant HARTFORD administers claims
5 under the Plan. The Plaintiff’s complaint alleges a claim under the Employee Retirement
6 Income Security Act of 1974, 29 U.S.C. § 1001, et seq. (“ERISA”), seeking, *inter alia*,
7 reinstatement of long-term disability benefits and payment of past benefits. This action is
8 brought pursuant to §502(a)(1)(B) of ERISA (29 U.S.C. §§1132 (a)(1)(B)). HARTFORD
9 asserts that based on all of the medical, vocational, and investigative information reviewed,
10 Plaintiff’s claim is not payable under the terms of the Plan and Plaintiff is not entitled to the
11 long-term disability benefits or the relief she seeks in her complaint.

12 No discovery plan and scheduling order is generally required for review of an
13 administrative record. LR 16-1(c)(1). An action for an administrative review usually requires
14 that the parties file a briefing schedule. LR 16-1(c). Accordingly, the parties jointly request
15 that this Court review and adopt the proposed non-standard discovery and case schedule set
16 forth below:

17 **III. Jurisdiction and Venue**

18 This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331 as a federal
19 question under ERISA, 29 U.S.C. §§ 1001 *et seq.*

20 HARTFORD is reviewing this matter to determine if venue is more appropriate in
21 Florida where the Plaintiff resides. If so, HARTFORD anticipates the possibility of filing a
22 motion to transfer venue under 28 U.S.C. § 1404(a) on or before Friday, September 29, 2023.
23 HARTFORD respectfully requests this timeframe, so that it can first fully explore settlement
24 with the Plaintiff, following initial disclosure of the administrative record by August 4, and
25 before the expenditure of costs and resources on a motion and possible transfer of jurisdiction
26 between courts. During this time, the parties plan to discuss any discovery and/or dispute

1 regarding the administrative record, also a consideration within the context of settlement
 2 discussions. Absent resolution, time would then be needed to fully review and analyze the
 3 extent and nature of the contacts and to prepare any motion to transfer venue. (In addition,
 4 counsel has a prepaid vacation scheduled during September 5-11, 2023.)

5 Plaintiff will oppose any motion to transfer venue and does not believe that the timing
 6 of the motion should be contingent on the outcome of settlement discussions.

7 **IV. Proposed Plan**

8 The parties have conferred and agree as follows:

9 **A. Initial Disclosures**

10 **Production of the Administrative Record:** HARTFORD will disclose a copy of the
 11 ERISA administrative record by **Friday, August 4, 2023.**

12 **B. Meet and Confer Period:**

13 Plaintiff contends that she is entitled to conduct discovery in this matter.
 14 HARTFORD asserts that no discovery appears appropriate or permissible under the facts of
 15 this case. Accordingly, Plaintiff and HARTFORD will meet and confer by **Friday,**
 16 **September 1, 2023** as to 1) the type of discovery and scope of discovery that Plaintiff
 17 contends is permissible and should be conducted, with reasonable specificity (including
 18 proposed written discovery where possible); and 2) whether the parties agree regarding the
 19 contents of the Administrative Record, including whether materials should be added and/or
 20 removed therefrom. Any discovery that the parties agree is permissible ERISA discovery
 21 shall be served by **Friday, October 2, 2023.**

22 **C. Briefing re: ERISA Discovery Disputes:** To the extent that, after the meet
 23 and confer period, the parties disagree as to 1) the permissible scope of discovery and type of
 24 discovery and/or 2) the contents of the Administrative Record, then on or before **Friday,**
 25 **October 20, 2023,** the parties will simultaneously brief the Court and request a ruling on any
 26 remaining disputes.

Dated: July 25, 2023